

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 2/5/07

SPONSOR Heaton LAST UPDATED 3/6/07 HB 588/aHJC/aHCPAC

SHORT TITLE Concealed Handguns in Certain Businesses SB _____

ANALYST C.Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to
SB 168 and SB 111

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)
Department of Public Safety (DPS)
Department of Corrections (DOC)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment for House Bill 588 extends immunity for law enforcement officers who are certified pursuant to the Law Enforcement Training Act and are acting in accordance with the policies of the officer's law enforcement agency. The amendment strikes the Consumer and Public Affairs Committee amendment which did not allow officers to carry concealed handguns into an establishment selling alcoholic beverages.

Synopsis of HCPAC Amendment

The House Consumer and Public Affairs Committee amendment for House Bill 588 covers an officer who is carrying a concealed handgun off-duty. The amendment adds a section to allow a law enforcement officer who is certified pursuant to the Law Enforcement Training Act and acting in accordance with the policies of the officer's law enforcement agency to carry a

concealed handgun; provided that the licensed establishment does not sell alcoholic beverages for consumption on the premises

Synopsis of Original Bill

House Bill 588 will amend Section 30-7-3, NMSA 1978 by inserting a new section that will allow a person who holds a valid concealed carry license, pursuant to the Concealed Handgun Carry Act, to carry a concealed handgun into a liquor licensed premise that sells alcoholic beverages for off-premise consumption. The Bill will not affect establishments that sell alcoholic beverages for on premise consumption.

FISCAL IMPLICATIONS

Currently, liquor establishments are required to post signs stating that it is illegal to carry a firearm into a liquor licensed premise. Signs would need to be re-printed with any new language approved and mailed to all current liquor licensed establishments and any future licensees. Printing and postage costs would be incurred.

SIGNIFICANT ISSUES

NM currently recognizes concealed carry permits from 20 other states. Amendment does not appear to address these out-of-state permit holders that are traveling through NM or living in NM. Proposed change will not apply to individuals that carry openly as NM law allows.

ADMINISTRATIVE IMPLICATIONS

The Department of Public Safety, Concealed Carry Unit, will need to monitor persons carrying concealed handguns into establishments that sell alcoholic beverages for off-premise consumption. The Department of Public Safety, Special Investigations Division, will also need to monitor liquor licensed establishments for compliance in displaying new posters.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Possible duplicate legislation:

SB 168 sponsor, Steven P. Neville-reflects same proposed amendments

SB 111 sponsor, Stuart Ingle-reflects same proposed amendments.

OTHER SUBSTANTIVE ISSUES

This legislation attempts to address questions/complaints from the public pertaining to carrying a firearm in any place that sells/serves alcohol. Often, individuals do not know if this applies to a convenience store, for instance. Many individuals assume they can carry into store that sells package alcohol, but clearly not into a bar. As it stands, people who do carry into a store that sells package alcohol are committing a 4th degree felony.

ALTERNATIVES

The Department of Public Safety requests that there be a change to the language which deals with Law Enforcement Officers. The current language states, “By a law enforcement officer in the lawful discharge of [his] the officer's duties.” We would like the words “in the lawful

discharge of [his] the officer’s duties” removed from the legislation. We request it be removed because most if not all law enforcement agencies allow officers to carry their weapons “off-duty.” Therefore, an officer may enter an establishment that sells alcohol with a concealed firearm in accordance with Departmental policies; however, the officer is not technically “on duty” or “in the lawful discharge of his duties.” In these cases, the officers should be viewed in the same light as the individual with a Concealed Carry Permit.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

As stated in summary, for example, a person may unknowingly, without criminal intent, commit a 4th degree felony by carrying a firearm into a convenience store to pay for gas.

POSSIBLE QUESTIONS

What about licensees from other states whose permits NM recognizes?

CS/mt